

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HAYFIELD, INC :
 :
v. : CIVIL NO. L-00-422
 :
WILLIAMS COMMUNICATIONS, :
ET AL :

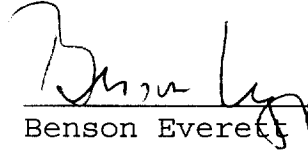
ORDER

Now pending before the Court is Defendant's Motion to Dismiss Counts III, IV, V, VI, VII and IX of the First Amended Complaint. Defendants' Motion to Dismiss is DISMISSED without prejudice to filing a motion for summary judgment on the same grounds. Defendants' motion for summary judgment and Plaintiff's opposition thereto may incorporate by reference any previously filed briefs.

In their Motion to Dismiss, Defendants seek to dismiss Counts III (Fraud) and VII (Negligent Misrepresentation) because the Plaintiff has not pleaded fraud with particularity as required by Fed. R. Civ. P. 9(b). Because the outcome of this motion does not affect the scope of discovery or the parties involved in the suit, the Court will defer deciding the adequacy of the Plaintiff's pleading until the summary judgment stage.

1/2

It is so ORDERED this 15th day of February, 2001.

A handwritten signature in dark ink, appearing to read "Benson Legg", is written over a horizontal line.

Benson Everett Legg
United States District Judge